

MINUTES OF MEETING FEBRUARY 19, 2008

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 19th day of February 2008, the Commissioners' Court convened the Voting Session at 9:16 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court record notes that Precinct Two Commissioner Sarah Eckhardt was not present during this Voting Session.

The Commissioners Court retired to Executive Session at 10:42 AM.

The Commissioners Court reconvened the Voting Session at 12:01 PM.

The Commissioners Court recessed the Voting Session at 12:01 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:41 PM and adjourned at 1:42 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:42 PM and adjourned at 1:46 PM.

The Commissioners Court reconvened the Voting Session at 1:47 PM.

The Commissioners Court adjourned the Voting Session at 3:15 PM.

PLANNING AND BUDGET DEPT. ITEMS

3. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:48 AM)

Clerk's Note: Item 3 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

Clerk's Note: The Court noted that by approving Item 3 they are including the steps recommended by Diana Ramirez, Budget Analyst, Planning and Budget Office (PBO), concerning how certain line items will be reimbursed over the next few months, after funds from our CO's are received.

4. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:48 AM)
 - A. GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION FOR CRIMINAL COURTS TO ENHANCE THE EXISTING DRUG COURT PROGRAM;
 - B. GRANT CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL FOR JUVENILE PROBATION TO PARTICIPATE IN A FEDERAL SPECIAL IMPROVEMENT PROJECT THAT PROVIDES ORIENTATIONS TO PARENTS THAT HAVE JUST HAD PATERNITY ESTABLISHED;
 - C. GRANT CONTRACT AMENDMENT #2 WITH THE OFFICE OF ATTORNEY GENERAL FOR THE JUVENILE PROBATION DEPARTMENT TO PROMOTE COMPLIANCE WITH COURT ORDERS REGARDING CHILD ACCESS AND VISITATION; AND
 - D. PERMISSION TO CONTINUE WITH THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR CIVIL COURTS TO CREATE AND IMPLEMENT A FAMILY DRUG TREATMENT COURT PROGRAM.

Clerk's Note: Items 4.A-D approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

5. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED INTERVIEW SCHEDULE AND SELECTION PROCESS FOR EXECUTIVE MANAGER OF PLANNING AND BUDGET. (10:30 AM)

Members of the Court heard from: Christian Smith, Executive Manager, PBO.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 5.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

ADMINISTRATIVE OPERATIONS ITEMS

6. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR PARTICIPANTS IN THE TRAVIS COUNTY EMPLOYEE HEALTH CARE FUND FOR PAYMENT OF \$856,689.53 FOR THE PERIOD OF FEBRUARY 1 TO FEBRUARY 7, 2008. (9:48 AM)

Clerk's Note: Item 6 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

7. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:48 AM)

Clerk's Note: Item 7 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

8. **REVISED LANGUAGE:** CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATION TO AUTHORIZE REIMBURSEMENT FROM RISK MANAGEMENT FUND TO STAR FLIGHT OF UP TO \$70,000 FOR BLADE REPAIRS AND RENTAL FEES AND FOR STAR FLIGHT TO MAKE PAYMENTS TO AMERICAN EUROCOPTER FOR THE REPAIRS AND FEES. (9:48 AM)

Clerk's Note: Item 8 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

9. A. CONSIDER AND TAKE APPROPRIATE ACTION ON EMPLOYEE REFUNDS UNDER TUITION REIMBURSEMENT POLICY 10.021; AND
- B. AUTHORIZE THE COUNTY AUDITOR AND TREASURER TO REIMBURSE CERTAIN EMPLOYEES. (9:48 AM)

Clerk's Note: Items 9.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

10. A. RECEIVE BRIEFING ON THE SEARCH FOR A LOCATION FOR THE NEW TRAVIS COUNTY MEDICAL EXAMINER'S OFFICE AND ASSOCIATED ISSUES; AND
- B. CONSIDER FEASIBILITY OF BUILDING AN ADDITION TO THE EXISTING MEDICAL EXAMINER'S OFFICE BUILDING AT 1213 SABINE STREET TO SERVE FUTURE MEDICAL EXAMINER OFFICE NEEDS. (1:47 PM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Danny Hobby, Executive Manager, Travis County Emergency Services; Roger El Khoury, Director, Facilities Management; Beth Devery, Chief Administrative Officer, Travis County Medical Examiners Office; Leslie Stricklan, Project Manager, Facilities Management; and Dr. David Dolinak, Chief Medical Examiner.

Discussion only. No formal action taken.

Items 10.A&B to be reposted February 26, 2008.

- 11. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING APPROVAL OF THE ARCHITECTURAL SPACE PROGRAM AND SCHEMATIC DESIGN OF THE NEW SUBSTANCE ABUSE RESIDENTIAL TREATMENT PROGRAM (SMART) RESIDENTIAL FACILITY. (10:13 AM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 11.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

JUSTICE & PUBLIC SAFETY ITEMS

- 12. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FREQUENCY RECONFIGURATION AGREEMENT BETWEEN TRAVIS COUNTY AND NEXTEL OF TEXAS, INC., FOR REIMBURSEMENT OF TRAVIS COUNTY COSTS RELATED TO REBANDING THE COUNTY'S 800 MEGAHERTZ PUBLIC SAFETY RADIO FREQUENCIES AS MANDATED BY THE FEDERAL COMMUNICATIONS COMMISSION. (9:48 AM)

Clerk's Note: Item 12 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 13. CONSIDER AND TAKE APPROPRIATE ACTION TO AMEND CHAPTER 39 OF THE TRAVIS COUNTY CODE, WIRELESS COMMUNICATIONS POLICY BY REPEALING CURRENT VERSION AND ADOPTING A NEW CHAPTER 39. (9:48 AM)

Clerk's Note: Item 13 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

Clerk's Note: By approving Item 13 the Court has repealed the current Chapter 39 and adopted the proposed Chapter 39 of the Travis County Code.

PURCHASING OFFICE ITEMS

14. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING TERMINATION OF THE FOLLOWING CONTRACTS: (9:48 AM)

A. CONTRACT NO. PS960050LH, FOR RESIDENTIAL TREATMENT SERVICES WITH SAN MARCOS TREATMENT CENTER; AND

B. CONTRACT NO. PS960054SG, FOR RESIDENTIAL TREATMENT SERVICES WITH COMMUNITY CORRECTIONS, INC. (JUVENILE PROBATION)

Clerk’s Note: Items 14.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

15. APPROVE MODIFICATION NO. 2 CRIME VICTIMS FUND CONTRACT NO. PS070098JT WITH COMMUNITIES IN SCHOOLS - CENTRAL TEXAS, INC. FOR CRIME VICTIMS SERVICES. (COUNSELING AND EDUCATION SERVICES) (9:48 AM)

Clerk’s Note: Item 15 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

16. APPROVE ISSUANCE OF JOB ORDER NO. 6, CONTRACT NO. 07K00307RV, ARCHITECTURAL HABITAT OF AUSTIN, INC., FOR MINOR CONSTRUCTION AND RENOVATION SERVICES. (FACILITIES MANAGEMENT) (9:48 AM)

Clerk’s Note: Item 16 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

17. APPROVE INTERLOCAL AGREEMENT WITH MASSACHUSETTS OPERATIONAL SERVICES DIVISION FOR UNISYS HARDWARE, SOFTWARE, SUPPORT AND SERVICES. (10:29 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 17.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	abstain
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 20. CONSIDER AND TAKE APPROPRIATE ACTION ON A FINAL PLAT FOR RECORDING IN PRECINCT THREE: THE HOLLOW AT SLAUGHTER CREEK, SECTION 1 SUBDIVISION (140 TOTAL LOTS), AND A SUBDIVISION CONSTRUCTION AGREEMENT WITH CENTEX HOMES. (COMMISSIONER DAUGHERTY) (9:54 AM)

Members of the Court heard from: Patricia Michael, President, Texas Oaks South Neighborhood Association; Anna Bowlin, Program Manager, Planning and Engineering, Transportation and Natural Resources (TNR); and Teresa Calkins, Engineer, TNR.

Motion by Commissioner Daugherty **and seconded by** Judge Biscoe to approve Item 20.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 21. CONSIDER AND TAKE APPROPRIATE ACTION ON A PRELIMINARY PLAN IN PRECINCT THREE: THE RANCH AT LAKESIDE PRELIMINARY PLAN (35 TOTAL LOTS). (COMMISSIONER DAUGHERTY) (9:48 AM)

Clerk’s Note: Item 21 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 22. CONSIDER AND TAKE APPROPRIATE ACTION ON THE PROPOSED INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF PFLUGERVILLE FOR THE INSTALLATION AND MAINTENANCE OF A TRAFFIC SIGNAL AT THE INTERSECTION OF GRAND AVENUE PARKWAY AND PICADILLY DRIVE. (COMMISSIONER ECKHARDT) (9:48 AM)

Clerk’s Note: Item 22 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

23. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(10:18 AM)

- A. A REVISED PRELIMINARY PLAN IN PRECINCT THREE: WEST CYPRESS HILLS, PHASE 1 (420 TOTAL LOTS);
- B. A PRELIMINARY PLAN IN PRECINCT THREE: WEST CYPRESS HILLS, PHASE 2 (261 TOTAL LOTS);
- C. A PRELIMINARY PLAN IN PRECINCT THREE: WEST CYPRESS HILLS, PHASE 3 (932 TOTAL LOTS);
- D. A REQUEST FOR A VARIANCE TO CHAPTER 82, SECTION 82.202(I), BLOCK LENGTH NOT TO EXCEED 1500 FEET IN LENGTH FOR WEST CYPRESS HILLS, PHASE 2, PRELIMINARY PLAN; AND
- E. A REQUEST FOR A VARIANCE TO CHAPTER 82, SECTION 82.202(E)(2), DUAL ACCESS, A NEW SUBDIVISION MUST HAVE AT LEAST TWO ACCESS STREETS AND CONNECT TO A DIFFERENT EXTERNAL STREET FOR WEST CYPRESS HILLS, PHASE 2, PRELIMINARY PLAN. (COMMISSIONER DAUGHERTY)

Clerk's Note: Items 23.A-E are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, TNR; and Hank Smith, Engineer, C Faulkner Engineering.

Motion by Commissioner Daugherty **and seconded by** Judge Biscoe to approve Items 23.A-E.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	abstain
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

OTHER ITEMS

- 24. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:48 AM)

Clerk’s Note: Item 24 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 25. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ACCEPT A GE MODSPACE 60X24 MANUFACTURED DOUBLEWIDE AS A DONATION FROM THE OASIS LAKE TRAVIS RESTAURANT. (SHERIFF’S OFFICE) (9:48 AM)

Clerk’s Note: Item 25 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 26. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS FOR THE MARCH 4, 2008 JOINT PRIMARY ELECTION: (2:52 PM)

- A. CREATION OF ELECTION DAY EARLY START TEAMS; AND
- B. AUTHORIZATION FOR COUNTY EMPLOYEES TO PARTICIPATE IN AND BE PAID FOR ELECTIONS ACTIVITIES.

Clerk’s Note: Items 26.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Dana DeBeauvoir, Travis County Clerk; Tony Nelson, Assistant County Attorney; and Charles Vaughan, Chief Assistant County Auditor, Travis County Auditor’s Office.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Items 26.A&B.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

EXECUTIVE SESSION ITEMS

Note 1 Gov't Code Ann 551.071, Consultation with Attorney

Note 2 Gov't Code Ann 551.072, Real Property

Note 3 Gov't Code Ann 551.074, Personnel Matters

Note 4 Gov't Code Ann 551.0745, Personnel Matters Affecting County Advisory Body

The Commissioners Court will consider the following items in Executive Session. The Commissioners Court may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Commissioners Court announces that the item will be considered during Executive Session.

- 27. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE ON AIRPORT BOULEVARD. ¹ AND ² (10:42 AM) (3:11 PM)

Clerk's Note: Judge Biscoe announced that Item 27 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we authorize the County Attorney to send a title objection letter to the seller; and further, that we get our broker to call to the attention of the seller the three matters that we need addressed, and that is the plumbing and electrical issues that we think will cost about \$25,000.00 and we are looking for a purchase price reduction to cover those; and if there is agreement on that, Tenley Aldredge, Assistant County Attorney will amend the purchase agreement to reflect it; and also, there is a broken window and so we would like the seller to replace that before closing.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

28. CONSIDER AND TAKE APPROPRIATE ACTION ON PURCHASE CONTRACT WITH PARKE PROPERTIES I AND II, L.P. AND GDF REALTY INVESTMENTS LTD. FOR THE ACQUISITION OF APPROXIMATELY 17.6 ACRES OF LAND IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN. ² (10:42 AM) (3:12 PM)

Clerk's Note: Judge Biscoe announced that Item 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

Discussion only. No formal action taken.

Item 28 to be reposted February 26, 2008.

29. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. RESOLUTION TRUST CORPORATION (EMAD DIMIAN RESALE DEED). ¹ (10:42 AM) (3:12 PM)

Clerk's Note: Judge Biscoe announced that Item 29 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner Daugherty that we authorize the County Judge to sign on behalf of the Commissioners Court the proposed tax resale deed to Mr. Dimian, who has paid Travis County the sum of \$10,000.00 in cash.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

